

EXHIBIT 14

Redacted per Court's Order ECF 338

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

USAMA JAMIL HAMAMA, et al.,

Petitioners/Plaintiffs,

v.

REBECCA ADDUCCI, et al.,

Respondents/Defendants.

Case No. 2:17-cv-11910
Hon. Mark A. Goldsmith
Mag. David R. Grand

Class Action

DECLARATION OF ANEESHA GANDHI

I, Aneesha Gandhi, hereby declare, I make this declaration based upon my own personal knowledge and if called to testify, I could and would do so competently as follows:

1. I am an attorney licensed to practice in the state of Michigan and I represent Hassan Faiek Ali Al-Atawna, a class member in the above-captioned action. As Mr. Al-Atawna's attorney, I filed a motion to reopen his initial removal order which was denied, and I have filed an appeal of that decision which is now pending with the Board of Immigration Appeals (BIA). I also represented him in the bond hearing which he was afforded pursuant to this court's order. I am personally familiar with the facts regarding Mr. Al-Atawna's case through discussions with Mr. Al-Atawna, family members, friends, and through analysis of the documents contained

in his A-file and Record of Proceedings.

2. Mr. Al-Atawna first arrived in this country on March 18, 2013 at the age of 16, with several of his siblings and father, as a refugee from Iraq. His family fled Iraq due [REDACTED]

[REDACTED]

[REDACTED] e

[REDACTED]

[REDACTED] Mr. Al-Atawna, his brother, S.A., and his sister, N.A. were harmed [REDACTED]

[REDACTED]

and was himself close to being lit on fire. Thankfully, [REDACTED]

[REDACTED]

Mr. Al-Atawna and his siblings were not harmed further, but he remembers lying on the floor covering his head while gunfire ensued. In the aftermath, he saw a lot of dead bodies and blood. After fleeing Baghdad, Mr. Al-Atawna and his family lived in the Al-Walid Refugee Camp for approximately five years.

3. Although Mr. Al-Atawna's refugee documents from the United Nations High Commissioner for Refugees (UNHCR) indicate that he is Iraqi and that he was born in Baghdad, the Iraqi consulate recently informed both

him and Immigration and Customs Enforcement (ICE) that he is not an Iraqi citizen but is a Palestinian national. This is the first time Mr. Al-Atawna has been told that he is considered a Palestinian national by the Iraqi government. Since that time, Mr. Al-Atawna was told that ICE is coordinating a meeting between himself and the Palestinian consulate in order to seek travel documents.

4. After coming to the United States, Mr. Al-Atawna was happy to no longer be confined within a refugee camp, but he also found his new life overwhelming. He was quickly enrolled in high school but he did not know English and struggled to understand. [REDACTED]

[REDACTED] Due in part to his erratic behavior, Mr. Al-Atawna started getting into trouble.

5. At the same time, Mr. Al-Atawna tried to work on himself to the extent possible and even decided to convert to Christianity. He was baptized in September 2015.
6. On [REDACTED] Mr. Al-Atawna's son, R.A.L. was born.
7. Mr. Al-Atawna was taken into ICE custody in January 2017, after being convicted of attempted assault and sentenced to 180 days in jail, all of which was suspended. As part of his probation, he was ordered to schedule

an evaluation and treatment [REDACTED] but before he was released from state custody, ICE arrested him.

8. Mr. Al-Atawna was ordered removed at his one and only hearing before an immigration judge on February 21, 2017. Since being transferred to ICE custody in January 2017, Mr. Al-Atawna has been detained. Thus, he has been detained for over 20 months. During this time, he was moved to different facilities, but has been detained the longest amount of time at the Aurora ICE Processing Center in Colorado. He has not seen his son since December 2016.
9. I was retained on December 12, 2017. I filed a motion to reopen Mr. Al-Atawna's February 21, 2017 removal order on February 26, 2018. The Immigration Judge denied Mr. Al-Atawna's Motion to Reopen on March 30, 2018. Mr. Al-Atawna appealed this decision to the BIA and the appeal has been pending since June 20, 2018. Although detention has taken a significant toll on my client, he wants to continue fighting his case and has expressed a desire to appeal if the BIA affirms the IJ's decision not to reopen.
10. Mr. Al-Atawna was granted a bond hearing for January 31, 2018. The immigration judge set bond at \$7,500 which neither my client nor his family could afford. Thus, he remains in detention although the judge

found him not to be a flight risk or danger to the community.

11. Detention has caused a significant hardship on Mr. Al-Atawna personally and for his family as well. Specifically, Mr. Al-Atawna is not receiving proper [REDACTED] in detention which has caused him [REDACTED] [REDACTED] and he has expressed [REDACTED] The mother of his son is threatening to take Mr. Al-Atawna to court for child support, even though Mr. Al-Atawna's family does their best to provide financial and emotional support to her. If released, Mr. Al-Atawna plans to be his son's primary caregiver as his son's mother has expressed not wanting to continue in that role for their son.
12. While it is possible for me as his legal counsel to call Mr. Al-Atawna, it often is impossible to get through and he is not provided a private space to speak to me. This inhibits his ability to fully express himself. Mr. Al-Atawna's family often does not have the financial means to put money in his account and therefore he is not able to have regular contact with them.
13. Mr. Al-Atawna has a current pending appeal with the BIA which will likely take at least another four to five months to be decided. If granted, it will be remanded to the Immigration Court for adjudication which can take anywhere from six to nine months to complete. I anticipate that if he is not released by Petitioners' *Zadvydas* motion, he could remain in detention for

an additional year until his immigration case is fully resolved.

14. Although I believe Mr. Al-Atawna has strong claims for immigration relief on the merits, even if he is ultimately unsuccessful, it is unclear whether he can ever be removed. Mr. Al-Atawna was interviewed by Iraqi consular staff in Stewart, Georgia in May 2018. ICE officer James Mattox filed a declaration with this Court, which states that Iraqi officials informed Mr. Mattox that they were denying Mr. Al-Atawna travel documents because they do not believe he is Iraqi, but rather think he is Palestinian. *See* Mattox Dec. ¶11.d.ii, ECF 311-3.

15. Mr. Al-Atawna has no documents in his possession that suggest he is Palestinian, and I have no reason to believe that he will be able to obtain travel documents to go there.

Pursuant to 28 U.S.C. § 1746, I state under penalty of perjury under the laws of the United States that the above statements are true and correct to the best of my knowledge, information, and belief.

Date: August 21, 2018



Cheesha Genel